UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

THIRD COMMITTEE
60th meeting
held on
Thursday, 8 December 1994
at 4 p.m.
New York

SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. CISSE (Senegal)

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Distr. GENERAL
A/C.3/49/SR.60
16 January 1995
ENGLISH
ORIGINAL: FRENCH

94-82713 (E)

The meeting was called to order at 4.15 p.m.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/49/677)

1. Ms. FENG (China) said that her delegation had listened attentively to the introductory statement by the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related forms of intolerance at the 47th meeting of the Committee. His report (A/49/677), which was particularly informative and objective, made it possible to gain a better understanding of the new forms of racism.

2. Within a short period of time, the Special Rapporteur had assembled numerous facts indicating that racism and discrimination based on skin colour, ethnic origin and differences of opinion were still widespread and were growing in some areas. Acts of xenophobia, intolerance and racial discrimination against migrant workers were increasing, while new forms of extremist activities were appearing.

3. There were grounds for serious concern about that situation. The countries involved should take measures to put an end to it. Her delegation welcomed the establishment of the post of the Special Rapporteur. At the World Conference on Human Rights held in Vienna, he had asked all Governments to take immediate steps to combat forcefully all types of racism, xenophobia and related forms of intolerance. The international community should provide the Special Rapporteur with the necessary financial support and personnel to enable him to carry out his work and submit his report at the fiftieth session of the General Assembly.

4. Ms. FERTEKLIGIL (Turkey) welcomed the publication of the first substantive report of racism (A/49/677) submitted within the framework of the United Nations system and said that her delegation had focused all its attention on the part dealing with the theoretical aspects.

5. The question of racism could not be addressed without clearly defining the framework in which it was to be considered. The mandate of the Special Rapporteur was not as broad as one might initially think since it was limited by the very definition of racism.

6. Racism should not be confused with ethnic nationalism, which was an extreme form of nationalism. As the Rapporteur had stressed, cultural relativism was the basis for new forms of racism ("neo-racism"). It was therefore necessary to consider the situation in countries where new forms of racism had arisen, not the situation in countries in which there were conflicts since there were no grounds for establishing a direct link between racism and conflicts, whether they were ethnic or not. Conflicts brought forces into opposition on the basis of territorial, economic or other interests, whereas nothing was at stake in racist aggression, the victims of which generally lacked the means to defend themselves.

7. According to the Encyclopaedia Britannica, racism had developed only since the nineteenth century, one century after the appearance of nationalism and the nation State. While there had already been discrimination in other societies before that, it had not been practised on such a systematic basis. Furthermore, it was clear that racism as such manifested itself in well-defined geographic areas. The Special Rapporteur should therefore limit his work to the period and areas linked to that phenomenon.

8. Referring to section III of the report, her delegation was surprised that the same attention had been given to various countries, regardless of the extent of racism in each of them. She also regretted the fact that the report had not taken into account the degree of vulnerability of groups that were the victims of acts of racism, that the question of migrant workers had not been considered in sufficient detail and there was only one reference to Turkish migrant workers, who had nevertheless been the target of the greatest number of racist attacks. It was also regrettable that the report had focused more on isolated murders than on much more serious acts of aggression that had caused the death of a number of persons.

9. Her delegation recognized that it could have drawn the attention of the Special Rapporteur to the racist attacks against Turkish migrant workers. It had not done so because it had adhered to a strict interpretation of the questionnaire.

10. In addition, in order to avoid duplication with the work of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur should let that Committee deal with that question.

11. Since the media reported on a daily basis on acts of aggression and other racist incidents, the Special Rapporteur could, in addition to the communications that he received from Governments, non-governmental organizations and individuals, consider those reports and verify them with the Governments concerned.

12. Although analysing the causes of racism was not part of his mandate, the Special Rapporteur indicated that racism was a result, inter alia, of the world economic crisis (A/49/677, para. 113). If that was correct, the new forms of racism would have appeared in the 1970s and at the beginning of the 1980s, not during the 1990s, and would be widespread throughout the developing countries. The Special Rapporteur also stated that the influx of migrant workers, combined with the economic crisis, had given rise to a "turning inward" in Western Europe, where "wealthy communities and social strata mean to preserve their comfort" (A/49/677, para. 115). It was not unemployed persons or wealthy social strata that engaged in racist violence, but rather marginal groups. The current acts of racist violence could not be explained by economic problems, particularly since those acts did not make it possible to solve them. She also wished to underscore the fact that human rights violations, particularly racism, could not be justified on any economic or political grounds.

13. Her delegation supported the proposal by the Special Rapporteur concerning the organization of an interdisciplinary seminar to study the causes of racism.

She also felt that he should be provided with all necessary financial means and personnel in order to be able to carry out his mandate.

14. Mr. FERNANDEZ PALACIOS (Cuba) said that he would have liked the discussion of the report of the Special Rapporteur (A/49/677) to take place under better conditions. He regretted in particular the fact that the report had not been available on time in all the official languages of the Organization, which had prevented the Committee from considering it in a truly open and in-depth manner. His delegation assured the Special Rapporteur of its complete support and stressed the need to provide him with all the resources that he required in order to carry out his mandate. In addition, the Cuban delegation intended to submit a draft decision on the question.

15. Mrs. ESPINOSA (Mexico) said that her delegation had made a statement during the debate on the elimination of racism and racial discrimination, in which it had presented the views of the Mexican Government on the issue as well as comments on the report. Her delegation wished to thank the Special Rapporteur for his well-documented report; the recommendations contained in the report merited the Committee's close attention. She wished to assure the Special Rapporteur of her delegation's support and cooperation, and hoped that he would have the necessary financial and human resources to fulfil his mandate. Her delegation regretted that, owing to circumstances beyond the Special Rapporteur's control, the Committee had not been able to consider the report (A/49/677) with due calm and attention, and hoped that in 1995 the Committee would have more time to consider the preliminary report that the Special Rapporteur would submit on his activities.

16. Mr. MUCH (Germany) welcomed the publication of the Special Rapporteur's report and commended his impartiality. He looked forward to the Special Rapporteur's visit to Germany in March 1995.

17. The Chairman said that the Committee had concluded its consideration of agenda item 93.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(e) CAPITAL PUNISHMENT (continued) (A/C.3/49/L.32, L.73 and L.74)

Draft resolution A/C.3/49/L.32 and amendments A/C.3/49/L.73 and A/C.3/49/L.74

18. Mr. FULCI (Italy) introduced the revised version of draft resolution A/C.3/49/L.32, which had been prepared by 50 sponsors to try to accommodate the amendments proposed by Singapore (A/C.3/49/L.73) and Egypt (A/C.3/49/L.74). The following new paragraph should be inserted after the last paragraph of the preamble: "Reaffirming the sovereign right of States to determine, in accordance with international law, including the Charter of the United Nations, the legal measures and penalties which are appropriate to deal with the most serious crimes". His delegation was of the view that the wording of that paragraph should be consistent with the provision of the International Covenant on Civil and Political Rights, which invited "countries which have not abolished the death penalty" to impose the sentence of death "only for the most serious crimes" (art. 6, para. 2). For the reasons already adduced by the

representative of France, it had seemed useful to add a reference to international law and the Charter of the United Nations in the draft resolution.

19. With respect to the amendments proposed by Egypt, the sponsors had accepted the replacement of the word "Convinced" in the seventh preambular paragraph by the word "Noting", and of the words "Calls upon" in paragraph 1 by the word "Invites". In paragraph 2, however, the sponsors could not accept the replacement of the word "Urges" by the word "Encourages" because one could not simply encourage States to comply with their international obligations. Moreover, it should be emphasized that that request was addressed to the States Parties to the relevant conventions.

20. The sponsors considered that the revised version of the draft resolution was the best evidence of their desire to present a balanced and mild text and their commitment to bridge the gap with countries having different views on capital punishment. They hoped that the new text would receive wide support and allow the Committee's debates to reach a fair outcome.

21. Mr. CHEW (Singapore) said that, while the revised version introduced by the representative of Italy constituted an amendment, he would request, in accordance with article 130 of the rules of procedure, that the text of document A/C.3/49/L.73 should be put to a vote first, since the substance of that document was the furthest removed from the original proposal.

22. The CHAIRMAN said that he had understood that the representative of Italy had been making revisions, and it was therefore necessary to begin by considering Singapore's proposal.

23. Mr. BIGGAR (Ireland) said that Singapore's proposal as contained in document A/C.3/49/L.73 related to the unrevised version of document A/C.3/49/L.32 that the sponsors had reworded in order to accommodate the amendment proposed by Singapore. Consequently, there was no need to take a decision on Singapore's proposal.

24. The CHAIRMAN asked the representative of Singapore whether his amendment related to the new revised version.

25. Mr. CHEW (Singapore) said that his amendment did relate to the new version.

26. Mr. BREITENSTEIN (Finland) said that the amendment proposed by Singapore dealt with draft resolution A/C.3/49/L.32 and, since Italy had revised the text, the amendments should be presented orally before a decision was taken.

27. Mr. SREENIVASAN (India), speaking on a point of order, said that, since the text of draft resolution A/C.3/49/L.32 was the only text that had been circulated and since the deadline for submitting draft resolutions had passed, there could be no revised text. Singapore's amendment therefore dealt with the text of draft resolution A/C.3/49/L.32, on which the Committee would take a decision. Consequently, Singapore did not have to resubmit its amendment.

28. Mr. CHEW (Singapore), having received permission from the Chairman, read out the amendment relating to the eighth preambular paragraph, which he had proposed in accordance with article 120 of the rules of procedure.

29. Mr. ELDEEB (Egypt) said that the official document submitted to the Committee was document A/C.3/49/L.32, to which the amendments introduced by Singapore (A/C.3/49/L.73) and Egypt (A/C.3/49/L.74) pertained; those amendments were fully valid. On the other hand, the revised version of the draft that had just been presented to the Committee was not an official document. The Committee was obliged to take decisions only on official documents that had been submitted 24 hours in advance.

30. The CHAIRMAN noted that the sponsors could revise a draft resolution as long as a decision had not yet been taken on the draft.

31. Mr. ELDEEB (Egypt) said that the revised version of the draft that had just been informally introduced could lead other delegations to consult their capitals. It would perhaps be wiser to defer a decision on the revised version, which had been informally introduced, and take a decision only on the three official documents before the Committee (A/C.3/49/L.32, A/C.3/49/L.73 and A/C.3/49/L.74).

32. Mr. FULCI (Italy) said that, after consulting with the sponsors, he believed that the text that he had introduced was an official revision.

33. The CHAIRMAN said that the text could be considered informal or as an oral proposal for the revision of the previous text and that, if any delegation needed to consult its capital, the Committee would have to defer taking a decision on the draft resolution. Alternatively, the Committee could accept the changes proposed by the sponsors and other delegations and proceed immediately to a decision on the draft.

34. Mr. BREITENSTEIN (Finland) said that, after receiving the amendments of Singapore and Egypt to the original version of the draft, the sponsors had met in order to accommodate them, to the extent possible, in a new text that would be issued as A/C.3/49/L.32/Rev.1. It was certainly possible for the Committee to postpone its decision on the draft resolution for 24 hours, but whoever wished to introduce amendments would have to do so orally on the basis of the revised version of the draft.

35. Mr. OULD MOHAMED LEMINE (Mauritania) said that the sponsors were free to revise their text however they liked. However, the authors of the amendments maintained that the text did not meet their concerns and therefore requested the Committee to take a decision on their amendments by putting them to a vote one by one before it took a decision on the revised text.

36. Mr. LAMAMRA (Algeria), said that he was in full agreement with the view expressed by the representative of Mauritania and noted that the sponsors had used their sovereign prerogative not only to be selective in taking into account the concerns expressed by delegations but also to submit a text without a symbol, in English only, which had been introduced by Italy and whose status could therefore be considered only as informal. In order to comply with the

usual procedure, it would be better to defer consideration of the text for 24 hours so that the revised document could be issued in all languages under the symbol A/C.3/49/L.32/Rev.1 and amendments could be proposed to the revised text, which would enable the Committee to take a decision after all the relevant information had been made available.

37. Mr. BIGGAR (Ireland), referring to the procedure that should be followed, said that, in the interest of expediting their work, it was the practice of sponsors of draft resolutions to orally introduce revisions which were immediately incorporated into the texts. Since a revised text was already available, even if it had not yet been officially distributed, the Chairman should use his prerogative under rule 120 of the rules of procedure to enable the Committee to discuss the revised proposal and any amendment thereto at its current meeting.

38. Mr. SREENIVASAN (India) said that, in accordance with rule 130 of the rules of procedure, the text proposed by Italy should be considered as an amendment to the original text and that amendment should be given the same treatment as those proposed by Singapore and Egypt. It was therefore necessary to adopt a decision first on draft resolution A/C.3/49/L.32 and, following that, on the three amendments beginning with the amendment furthest removed in substance from the original proposal, namely that of Singapore.

39. Mr. BREITENSTEIN (Finland) expressed the view that the sponsors of a draft resolution revised rather than amended the text. If there was any doubt on the matter, Finland proposed that the advice of the Legal Counsel should be sought.

40. Mr. BIGGAR (Ireland) supported the representative of Finland and said that the Committee should take a decision on the revised version of the draft text and that any amendment proposed should relate to the revised text.

41. Ms. ATTAH (Nigeria) said that the only valid document on which the Committee should take a decision was the text of draft resolution A/C.3/49/L.32 and not the text proposed by Italy, which could be considered only as an informal document. The Committee could consider the original text of the draft resolution paragraph by paragraph, making any necessary amendments as it went along.

42. The CHAIRMAN, summarizing the discussion, said that the Committee had before it a revised version of the draft resolution which was not official and could be considered only as an oral revision. Consequently, it could either consider the draft resolution on the basis of that oral revision or defer its consideration for 24 hours to allow for the official text of the oral revision (which would be issued under the symbol A/C.3/49/L.32/Rev.1) to be available in all the official languages.

43. Mr. BIGGAR (Ireland), speaking on a point of order, noted that, in conformity with the last sentence of rule 120 of the rules of procedure of the General Assembly, the Chairman had the prerogative to permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions had not been circulated or had only been circulated the same day. However, in order to save time, he wished to propose a 15-minute

suspension, in accordance with rule 119 (a) of the rules of procedure of the General Assembly, to enable the Committee to discuss the procedure to be followed.

The meeting was suspended at 5.15 p.m. and resumed at 5.40 p.m.

44. The CHAIRMAN said that the Committee had agreed to defer consideration of the draft resolution to the following afternoon in order to give the Secretariat enough time to issue the revised version of the draft text submitted by Italy (A/C.3/49/L.32/Rev.1), in all the official languages. Amendments to the draft should be proposed on the basis of the revised text.

45. Mr. CHEW (Singapore) said that he was concerned by the omission of the eighth preambular paragraph from the revised version of the draft resolution and asked whether that paragraph appeared in the text.

46. Mr. FULCI (Italy) assured the representative of Singapore that the paragraph was included and would appear, as planned, in the official revised version of the draft resolution. He explained, moreover, that it was out of consideration for the Egyptian delegation, which wished to have enough time to consult its Government, that the sponsors had agreed to defer consideration of the draft text.

47. Mr. CHEW (Singapore) thanked the representative of Italy for his clarifications and said that he would officially introduce his amendment to the draft text at the meeting to be held the following day.

48. Mr. ELDEEB (Egypt) thanked the representative of Italy for granting his delegation's request. In view of the arrangements that had just been made, he wished to take the opportunity to officially propose a new amendment to the revised draft resolution. The amendment would insert in the English version of the eighth preambular paragraph - the only version which was currently available - after the phrases "in accordance with the international law, including the Charter of the United Nations", the phrase "and without prejudice to their national legal systems". If the Committee accepted that amendment, the eighth preambular paragraph would read as follows:

> "Affirming the sovereign right of States, in accordance with the international law, including the Charter of the United Nations, and without prejudice to their national legal systems, to determine the legal measures and penalties which are appropriate in their societies to combat serious crimes effectively."

49. Mr. SREENIVASAN (India) wished to know which State Parties were referred to in paragraph 2 of the revised version of the draft resolution and would welcome a clarification on that point from the representative of Italy.

50. Mr. FULCI (Italy) said that the reference was to the States Parties to the International Covenant on Civil and Political Rights and to the Convention on the Rights of the Child.

51. Mr. SREENIVASAN (India), supported by Mr. ELDEEB (Egypt), expressed surprise that the sponsors had used the word "Urges" in paragraph 2 of the revised version of the text rather than the word "Encourages" as proposed by their two delegations.

52. Mr. BIGGAR (Ireland) explained that States Parties to the Covenant and to the Convention were definitely obliged to honour the commitments into which they had entered by acceding to those instruments and that, consequently, the word "Urges", which was stronger than the word "Encourages", was quite appropriate. Moreover, on a point of information, paragraph 2 of the draft text urged States Parties to the Covenant and to the Convention which still maintained the death penalty not to abolish that penalty but rather to comply with the provisions of article 6 of the Covenant, including the provision that "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women". Paragraph 2 of the revised version of the draft did not therefore impose any new obligation on States Parties to the Covenant and to the Convention.

The meeting rose at 6.05 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

THIRD COMMITTEE
61st meeting
held on
Friday, 9 December 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 61st MEETING

Chairman:	Mr. CISSÉ	(Senegal)
later:	Mr. SRIVIHOK (Vice-Chairman)	(Thailand)

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AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS

(e) CAPITAL PUNISHMENT

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Distr. GENERAL
A/C.3/49/SR.61
2 February 1995
ENGLISH
ORIGINAL: FRENCH

94-82729 (E)

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS

(e) CAPITAL PUNISHMENT (A/C.3/49/L.32/Rev.1, L.73/Rev.1 and L.74/Rev.1)

Draft resolution A/C.3/49/L.32/Rev.1 and amendments submitted in documents A/C.3/49/L.73/Rev.1 and A/C.3/49/L.74/Rev.1

1. Mr. FULCI (Italy) announced that the following countries had joined the sponsors of draft resolution A/C.3/49/L.32/Rev.1, entitled "Capital punishment": Argentina, Bolivia, Cyprus, Dominican Republic, El Salvador, Federated States of Micronesia, Germany, New Zealand, Sao Tome and Principe, Solomon Islands, Slovakia and Venezuela. The revisions that had been made to the draft resolution, in particular the addition of a new paragraph, were meant to take account of the concerns expressed by Singapore and Egypt. The sponsors of the draft resolution believed that they had made every possible concession without receiving anything in return. Following the revisions that had been made to the draft resolution, one of the sponsors had already withdrawn. If the amendments submitted by Singapore and Egypt in documents A/C.3/49/L.73/Rev.1 and L.74/Rev.1 were to be adopted, there was a major risk that other sponsors would follow the example of the countries in question. The new version of the draft resolution did recognize the right of sovereign States to determine the judicial measures that needed to be taken against perpetrators of the most serious crimes, but that right should conform with international law and particularly the Charter of the United Nations; the text submitted by Singapore made no reference to international law or the Charter, which was unacceptable. He therefore urged delegations to reject the proposed amendments and reminded them that public opinion in their countries and all over the world would scrutinize their vote and pay special attention to the most important provisions regarding the execution of pregnant women, minors and insane persons.

2. Mr. CHEW (Singapore) said he wished to make it clear that the negotiations had broken down because the sponsors had wanted to make other revisions. Draft resolution A/C.3/49/L.32/Rev.1 brought into question one of the fundamental principles on which the United Nations had been founded, that of the sovereign equality of all Member States as enshrined in article 2, paragraph 1, of the Charter of the United Nations. That principle recognized the equality of States before the law, each State's right to exercise the inherent rights of its sovereignty, each State's duty to respect the personality of other States, the importance of States' territorial integrity and political independence and each State's right to freely choose its political, social, economic and cultural system. Voting against the amended draft resolution submitted by Singapore would be tantamount to questioning the basic principles of the United Nations.

Proposed amendment to draft resolution A/C.3/49/L.32/Rev.1, issued as document A/C.3/49/L.73/Rev.1

3. The CHAIRMAN invited the Committee to comment first on the amendment proposed in document A/C.3/49/L.73/Rev.1 in accordance with article 130 of the

rules of procedure. He made it clear that the amendment in question had no draft budget implications.

4. Mr. BIGGAR (Ireland) said that he would vote against the amendment proposed in document A/C.3/49/L.73/Rev.1 because he believed that the modified text of the draft resolution as it appeared in document A/C.3/49/L.32/Rev.1, and in particular the new paragraph it contained, took account of the concern that had been expressed by some delegations, including Ireland, speaking as a small country firmly attached to its sovereignty and independence. The amendment proposed by Singapore went further because by eliminating all reference to international law and the Charter, it sought to give States the absolute right to determine the juridical measures and the penalties to be applied on their territory. Ireland believed that by acknowledging a State's unrestricted rights in that or other spheres regardless of the international obligations it had entered into, the proposed amendment called into question the basic idea behind the initial draft resolution and the very principles on which international relations were based, which in his opinion was contrary to the interests of small States.

5. Mr. MINOVES-TRIQUELL (Andorra) said that by incorporating into document A/C.3/49/L.32/Rev.1 a number of the amendments proposed by countries opposed to the original draft resolution, the sponsors had shown their commitment to the principle of respect for the sovereign rights of all States and their desire to compromise. It seemed the same could not be said for Singapore which, according to the principle of do ut des, whereby negotiations were based on mutual concessions, should have been satisfied with those revisions. As a small country, Andorra was aware of the need to respect State sovereignty, but also that the sovereign rights of those States needed to be reinforced by international law. It believed that the new version of the draft resolution, and in particular paragraph 8, took account of the concern for the sovereign equality of all States expressed by Singapore. He therefore urged all States to vote for draft resolution A/C.3/49/L.32/Rev.1 and against the amendment proposed by Singapore.

6. Mr. CASSAR (Malta) said that he would vote against the amendment submitted by Singapore because the new version of the draft resolution, and in particular its new paragraph, took sufficient account of the concern for the sovereign equality of all States expressed by Singapore. Regarding capital punishment, he believed that in the exercise of their sovereign rights, States should respect the provisions of international law and in particular the provisions of the Charter of the United Nations. He failed to see how the draft resolution could be interpreted as a threat to State sovereignty, and he was pleased to invite and encourage States to apply its provisions.

7. Mr. MUCH (Germany) said that draft resolution A/C.3/49/L.32/Rev.1 in no way brought into question respect for States' sovereign rights, whereas the amendment proposed by Singapore queried the legitimacy of international juridical standards in that it recognized a State's right to determine its own standards concerning the juridical measures and penalties to be applied to criminals. As specialists in the sphere of human rights, the members of the Third Committee knew perfectly well that international instruments stipulated additional standards which were widely accepted and could not be ignored by

States. Similarly, Germany was opposed to the wording "serious crimes" in place of the initial draft resolution's expression "the most serious crimes" because, in countries where capital punishment still existed, it applied only to the most serious crimes. Germany believed that, in both cases, the amendment proposed by Singapore would create a regrettable precedent, and his delegation would therefore vote against the amendment.

8. Mr. ELARABY (Egypt) said he would vote in favour of the amendment submitted by Singapore because he believed that a State should not have choices imposed upon it. Furthermore, the draft resolution seemed to take little account of the multiplicity of juridical systems, values and philosophies which characterized each State and which met the needs of society in each State. Moreover, it seemed more important to ensure that justice was done within the scope of the law. If it was necessary to refer to the Charter of the United Nations, such a reference should be made in paragraph 1 rather than paragraph 8 in the interests of balance.

9. A recorded vote was taken on Singapore's amendment to draft resolution A/C.3/49/L.32/Rev.1, issued as document A/C.3/49/L.73/Rev.1

In favour: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lesotho, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mozambique, Netherlands, New Zealand, Nepal, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela

Abstaining: Albania, Azerbaijan, Belarus, Benin, Bolivia, Croatia, Ecuador, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Guatemala, Kazakhstan, Mali, Mauritius, Mexico, Niger, Togo, Ukraine

10. Singapore's amendment to draft resolution A/C.3/49/L.32/Rev.1, issued as document A/C.3/49/L.73/Rev.1, was adopted by 71 votes to 65, with 21 abstentions.

11. Mr. MUCH (Germany) said that his country should be withdrawn from the list of sponsors of the draft resolution.

12. The CHAIRMAN said that everyone wishing to withdraw their sponsorship of the draft resolution should raise their hands. After taking a count, he noted that all 50 sponsors had withdrawn.

13. Mr. CHEW (Singapore) said that since the draft resolution no longer had any sponsors, there was no need to put it to the vote.

14. Mr. RIGGAR (Ireland) supported by Mr. FULCI (Italy) noted that in accordance with rule 122 of the rules of procedure of the General Assembly, a motion could be withdrawn only if it had not been amended. Since the draft resolution had been amended it could no longer be withdrawn.

Amendment contained in document A/C.3/49/L.74/Add.1

15. Mr. ELARABY (Egypt) said that he wished to withdraw the amendment contained in document A/C.3/49/L.74/Add.1.

16. The amendment contained in document A/C.3/49/L.74/Add.1 was withdrawn.

Draft resolution A/C.3/49/L.32/Rev.1

17. The CHAIRMAN invited the Committee to vote on the draft resolution entitled "Capital punishment" (A/C.3/49/L.32/Rev.1) as amended by Singapore in document A/C.3/49/L.73/Add.1.

18. Ms. NEWELL (Secretary of the Committee) reading from the Legal Counsel's opinion of 25 November 1987 concerning the interpretation of rule 122 which stated that once a draft resolution had been amended, it ceased to be the exclusive property of its sponsors who could therefore no longer withdraw it. So long as voting on it had not commenced, they still had the right to withdraw their names from the list of sponsors. Theoretically, there could very well be draft resolutions without sponsors.

19. Mr. FULCI (Italy) said that he still believed that the draft resolution had many positive elements including the paragraphs concerning the exclusion of pregnant women, juveniles and insane persons from capital executions. He would therefore vote for the draft resolution.

20. Mr. ELARABY (Egypt) proposed that since no one wished to sponsor the draft resolution, the Committee should adopt a motion to suspend the debate.

21. The CHAIRMAN, replying to the representative of Egypt's motion to suspend the debate on the draft resolution pursuant to rule 116 of the rules of procedure of the General Assembly, said that in addition to the proposer of the motion, two representatives might speak in favour of and two against it, after which the motion should be immediately put to the vote.

22. Mr. AL-RASSI (Saudi Arabia) supported by Mrs. TOMKINSON (Australia) seconded the representative of Egypt's motion.

23. Mr. BIGGAR (Ireland) said that even amended, the draft resolution remained very important, as demonstrated by the lengthy discussions it had sparked and the fact that a procedural motion had already been raised thereon. That was why he was against the motion moved by the representative of Egypt.

24. Mr. FULCI (Italy) endorsed the views of the Irish delegation.

25. The CHAIRMAN proposed that the motion to take no action on draft resolution A/C.3/49/L.32/Rev.1, as amended by document A/C.3/49/L.73/Rev.1, should be put to the vote.

26. A recorded vote was taken on the motion to take no action on draft resolution A/C.3/49/L.32/Rev.1 as amended by document A/C.3/49/L.73/Rev.1.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Gabon, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Abstaining: Albania, Azerbaijan, Belarus, Belize, Benin, Ethiopia, Gambia, Ghana, Honduras, Japan, Kazakhstan, Kenya, Kyrgyzstan, Malaysia, Mali, Mauritius, Mexico, Niger, Philippines, Sri Lanka, Thailand, Tunisia, Ukraine.

27. The motion to take no action on draft resolution A/C.3/49/L.32/Rev.1, as amended by document A/C.3/49/L.73/Rev.1, was rejected by 71 votes to 60, with 23 abstentions.

28. The CHAIRMAN proposed that draft resolution A/C.3/49/L.32/Rev.1 as amended should be put to the vote.

29. Mr. BIGGAR (Ireland), speaking in explanation of vote before the vote, recalled that his delegation, which had sponsored both the original and the revised draft resolution had voted against the Singapore delegation's amendment. Nevertheless, Ireland, which had abolished capital punishment and which was party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, fully supported the aims of the draft resolution as stated in particular in the fourth, fifth and seventh preambular paragraphs and in the operative part. It supported, in particular, the invitation to States that had not yet done so, to accede to the Second Optional Protocol and the request that States consider the opportunity of instituting a moratorium on pending executions. It also endorsed the request to all States parties to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child to comply fully with their obligations under those instruments. Therefore, despite its strong reservations concerning the last preambular paragraph as amended by Singapore, his delegation would vote in favour of the draft resolution.

30. Mr. SUAZO FERNANDEZ (Honduras), speaking in explanation of vote before the vote, said that his country, which had been a sponsor of both the original and the revised text, had decided to withdraw its support for the draft resolution because attempts to come up with a consensus text had failed. The amendment proposed by the delegation of Singapore, which made no reference to the norms and principles of international law, did not reflect his country's idea of international coexistence or its attachment to international instruments. It was also contrary to the legal elements of the resolution whose main purpose was respect for international law. That was why his delegation could not endorse the draft resolution as amended.

31. Mr. VENTEGODT (Denmark), speaking on behalf of the Nordic countries (Finland, Iceland, Norway, Sweden and his own country), said that the Nordic countries had supported the initial draft resolution not only because it reflected their position on capital punishment but also because, in their opinion, the text was balanced, respected the sovereignty of States and was based on respect for fundamental humanitarian principles and did not attempt to impose a system of values on States which did not share them. In a spirit of compromise, and convinced that the adoption of a text on the question, even if such text did not wholly meet their expectations, would constitute a constructive initiative, the Nordic countries had accepted a revision to the initial proposal in order to reflect the views expressed by certain delegations. Unfortunately, a compromise had not been possible and the draft resolution had

been amended in such a way that it no longer reflected the spirit of the initial text. In the view of the Nordic countries, the sovereign right of States to determine penalties for the most serious crimes should be exercised in accordance with international law, which imposed certain restrictions on the application of the death penalty. The Nordic countries, deeply regretted that the draft resolution had failed to include one of the most basic principles of international relations, namely, respect for international law, and would abstain from the vote.

32. Mr. SREENIVASAN (India), speaking in explanation of vote before the vote, said that his delegation would vote against the draft resolution, since the latter was contrary to Indian legislation which called for the death penalty for the most serious crimes. The amendment proposed by Singapore, while improving the text, did not remove that interference in internal affairs. Also, some of the concerns expressed in the text did not apply to India, where the death penalty was seldom applied, only in the case of heinous crimes, and was very rarely carried out. Furthermore, the code of criminal procedure stipulated that execution of a death sentence on a pregnant woman must be delayed, and could be commuted to life imprisonment if the High Court saw fit to do so. Moreover, the death penalty could not be applied to minors or persons who had become insane. Finally, India could not accept paragraph 4.

33. Mr. AL-HAMAMI (Yemen), speaking in explanation of vote before the vote, recalled that the application of capital punishment to criminals was intended to safeguard the citizens' right to life. The crime of murder threatened the very foundation of society, and there had to be a deterrent. The Koran, and Islamic Shariah, which were the basis of the Yemeni Constitution, recognized the right to vengeance. Yemen recognized that the death penalty should not be applied to minors, pregnant women, or persons who had become insane, and those aspects had been taken into account in the provisions regarding capital punishment in that country's legislation. His delegation would, however, vote against the draft resolution because the latter did not take account of the legislative, cultural and social characteristics of each society, and constituted an interference in the internal affairs and sovereignty of States.

34. Mr. AMPAL (Brunei Darussalam), speaking in explanation of vote before the vote, said that his delegation would vote against the draft resolution because it considered it unacceptable that certain countries should seek to impose their value system or legal system on others. In his delegation's view, there was no consensus that capital punishment was contrary to international law. Furthermore, his delegation believed that the death penalty contributed to the maintenance of international peace and security. In Brunei Darussalam, capital punishment was reserved for crimes affecting security and public order, and it could not be applied to minors under 18 years of age, pregnant women, or persons who had become insane.

35. Mr. BUCK (Canada), speaking in explanation of vote before the vote, said that his delegation would abstain from the vote on the draft resolution as amended by Singapore. His delegation would have wished the text to contain a reference to international law; punishment should be neither cruel nor inhuman, nor should it be contrary to the Charter and other relevant international instruments. Canada considered that when a State became a Member State of the

United Nations, the extent of its sovereignty was defined by the Charter. Sovereignty necessarily implied an obligation to respect human rights. Moreover, the amendment which had been adopted was contrary to the principle whereby all human rights were universal, which had been reaffirmed in the Vienna Declaration and Programme of Action; the latter also emphasized that protection of human rights and fundamental freedoms was the first responsibility of States, regardless of their economic or political systems.

36. Mr. LAMAMRA (Algeria), speaking in explanation of vote before the vote, said that no country should try to impose its ideas, however appealing they might be, on the rest of the international community, as long as conditions were not ready for harmonization of national legislations on issues as sensitive as the question of capital punishment. The sponsors of the draft resolution had ignored the differences underlying national penal legislations, and the right of Member States to enter into international legal commitments compatible with their sovereignty. Singapore's amendment, which his delegation welcomed, was not sufficient to put right the fundamental imbalances in the draft resolution. The text went against the cause it was supposed to promote, divided the international community by suggesting that certain essential values, including spiritual values proper to certain Member States, were inherently contrary to human rights and tended, indirectly, to discredit sovereign States whose national legislation provided for capital punishment. The issue was whether a group of Member States that attempted to impose their views on the rest of the international community, even though they were aware of the difficulties that such an initiative would pose for the majority of Member States, should be encouraged or discouraged. Several of the recommendations contained in the text were fully taken into account by Algerian legislation and penal practice; however, his delegation would vote against the draft resolution, which was fundamentally divisive.

37. Mr. ELARABY (Egypt), speaking in explanation of vote before the vote, said that his proposal to adjourn the discussion on a draft resolution which no longer had any sponsors had been intended to avoid a debate which was likely to lead to even deeper divisions. His delegation would vote against the draft resolution.

38. Mr. THANARAJASINGAM (Malaysia) said that the draft resolution was divisive and constituted interference in the internal affairs of States. His delegation was grateful to the representatives of Singapore and Egypt for the amendments that they had proposed, but considered them to be insufficient and would therefore vote against the draft resolution.

39. Mr. SY (Senegal), speaking in explanation of vote before the vote, stressed his delegation's sympathy with the noble considerations that had inspired the sponsors of the draft resolution. His delegation had voted for the Singaporean amendment which was in keeping with Senegalese national legislation; the latter still allowed the death penalty, although it had been carried out only twice since independence. Senegalese law also stipulated that pregnant women and minors could not be executed. His delegation still had serious difficulties with the text, even in its revised version. Paragraph 2 did not apply to Senegal, and paragraph 4 was unbalanced, since the application of the death penalty could not be likened to the right of a State to dispose of a person's

life. An individual who took another's life by a foul and criminal action forfeited his own future and right to life. His delegation could not go against its own Constitution, and would therefore vote against the draft resolution.

40. Mr. RATA (New Zealand), speaking in explanation of vote before the vote, recalled that New Zealand had been the first country to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. His delegation was convinced that abolition of the death penalty would contribute to the strengthening of human dignity and to progressive improvements in respect for human rights. The goal of the draft resolution, of which his delegation was a sponsor, was essentially to draw attention to the fact that certain Member States still resorted to the death penalty to punish ordinary crimes. In order to take account of certain delegations' concerns, especially in respect of national sovereignty, his delegation had supported the revised version presented by Italy. However, the eighth preambular paragraph as amended was unacceptable, because it appeared to permit States to use torture and other cruel, inhuman and degrading punishment and treatment on their citizens, or to decide whether and at what times they should do so. That proposal was fundamentally contrary to international law. The provisions of the draft resolution were in no way a threat to national sovereignty, since they merely invited and encouraged Member States to adopt certain measures or to comply fully with obligations which they had freely undertaken. For those reasons, although the draft resolution contained some commendable elements, his delegation would abstain from the vote.

41. Mr. AL-SAEID (Kuwait), speaking in explanation of vote before the vote, said that his delegation was convinced that capital punishment should be applied with all the safeguards of legal procedure, and that pregnant women and minors should not be executed. He could not, however, accept the position that the death penalty was an offence against human rights; it was a deterrent to foul crimes, and thereby became a factor in the protection of human rights. For that reason and others which had already been mentioned, his delegation would vote against the draft resolution.

42. Mr. PRACANA (Portugal), speaking in explanation of vote before the vote, refuted the idea that the draft resolution was divisive or an attempt to interfere in the internal affairs of States. It was unfortunate that despite the restraint and spirit of compromise shown by the sponsors of the original text the draft resolution had given rise to bitter disagreements. It was unfortunate that the draft resolution had been amended, for his delegation disagreed with the amendment. Nevertheless, because of the importance Portugal attached to the question of the death penalty, and bearing in mind the positive aspects of the text, particularly the reference to the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, his delegation would vote for the draft resolution despite its strong reservations regarding the eighth preambular paragraph.

43. Ms. TOMKINSON (Australia), speaking in explanation of vote before the vote, said that her delegation would abstain in the vote on the draft resolution, since the amendment proposed by Singapore was tantamount to affirming that the sovereign rights of States took precedence over the obligations deriving from

international law and international human rights norms, particularly article 5 of the Universal Declaration of Human Rights.

44. Mr. KIM Jae Hon (Democratic People's Republic of Korea), speaking in explanation of vote before the vote, said that, because of differences in political and social systems, culture, history and religion, each State had the right to choose its own legal system, as well as the most appropriate means of suppressing the most serious crimes. Any attempt to impose a universal system of values constituted unilateral pressure on other Member States. In addition, the draft resolution contained no provisions for the protection of victims and, on the contrary, could be interpreted as tending to protect criminals. For those reasons, the delegation of the Democratic People's Republic of Korea could not vote in favour of the draft resolution.

45. Mr. SIDDIG (Sudan), speaking in explanation of vote before the vote, recalled that his country had been opposed to the draft resolution from the beginning, since it had objected to the inclusion of the item in the agenda of the General Assembly. The Sudan was of the view that each State, in accordance with its religion, culture and other moral values, had the right to choose the penalties necessary to suppress criminal behaviour in the society. The draft resolution sought to impose certain ideas on the international community, without taking into account the religion or culture of countries. It therefore constituted interference in the internal affairs and legal system of States. For those reasons the Sudanese delegation would vote against the draft resolution.

46. Mr. AL-RASSI (Saudi Arabia) recalled that his delegation had from the beginning opposed the consideration of agenda item 100 (e) because it believed that it was premature, as experience had clearly shown five years previously, and that it would be a waste of time. It would have been better, as some delegations had suggested, to refer the matter to the Sixth Committee for that Committee to consider the legal aspects and submit recommendations. Moreover, the Second Optional Protocol to the International Covenant on Civil and Political Rights provided no justification whatsoever for States to impose their views on capital punishment on other States. Any attempt to do so would not only violate international law but would also show disrespect for the traditions and cultures of certain countries. For those and other equally important reasons - including, in particular, the fact that the abolition of capital punishment was contrary to the Shariah - the Saudi Arabian delegation would vote against the draft resolution and invited other delegations to do likewise.

47. Mr. MINOVES-TRIQUELL (Andorra) said that his delegation fully supported the revised draft resolution A/C.3/49/L.32/Rev.1, but could not accept the amendment which had just been adopted, since it showed scant respect for international law. His delegation would therefore abstain in the voting on the amended draft resolution. The abolition of the death penalty was a very important issue which the United Nations could and must seek to resolve and the promotion of human rights must continue to be the main concern of the Third Committee.

48. Mrs. KABA (Côte d'Ivoire) recalled that her country was party to the International Covenant on Civil and Political Rights but that it did not support the abolition of the death penalty because of its deterrent effect. In

practice, the death penalty had not been enforced for many years. It was unacceptable to bring pressure to bear on States and to attempt to impose on them values on such a sensitive issue. Nevertheless, the amended text contained positive elements, particularly in paragraphs 2, 3 and 4. The delegation of Côte d'Ivoire would abstain in the voting.

49. Mr. DESAGNEAUX (France) said that the amendment which had just been adopted seriously compromised the spirit of the initial draft resolution and the French delegation would therefore abstain in the voting.

50. Mr. CASSAR (Malta) said that, in the exercise of their sovereign rights, States must always act in accordance with international law and the international instruments to which they were parties as well as with respect for fundamental rights and freedoms. Despite the reservations which it had expressed concerning the eighth preambular paragraph of the amended draft text, he considered the draft to be very positive, having regard in particular to the provisions contained in paragraphs 1 and 2. His delegation would therefore vote in favour of the draft resolution.

51. Mrs. MAIR (Jamaica) regretted that the draft resolution had given rise to such divergent views, particularly since its introduction had been motivated by humanitarian considerations. In Jamaica, only persons who had committed the most serious crimes were subject to the death penalty, which, moreover, was never imposed on pregnant women or on persons below 18 years of age. Jamaica was of the view that States had the right to determine the appropriateness of maintaining the death penalty and it was for that reason that her delegation would vote against the draft resolutions.

52. Mrs. CASTRO de BARISH (Costa Rica) said that her country had abolished the death penalty and, while it jealously defended its sovereign rights, as a small State it was also respectful of international law and of the Charter of the United Nations. Costa Rica considered that if, on its own sovereign initiative, a State acceded to international instruments such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, it was obliged to observe the provisions of those instruments. The eighth preambular paragraph of the draft resolution as amended took no account of those obligations and that was why the Costa Rican delegation, which was one of the sponsors of the draft resolution, had voted against the amendment. However, because it considered that the draft text contained positive elements, particularly in its fourth, fifth, sixth and seventh preambular paragraphs and in paragraphs 1, 2, 3 and 4, it would vote in favour of the draft resolution.

53. Mr. AL-SUWAIDI (United Arab Emirates) said that his delegation had voted in favour of the amendment proposed by Singapore but that it considered the draft text unacceptable as a whole and would therefore vote against it.

54. Mr. BARRETO (Peru) said that the Constitution which his country had adopted by referendum in 1993 provided for the death penalty to be maintained but that it was enforced only in cases of high treason and in time of war. The Peruvian delegation would therefore abstain in the voting.

55. A recorded vote was taken on draft resolution A/C.3/49/L.32/Rev.1 as amended by document A/C.3/49/L.73/Rev.1.

In favour: Argentina, Armenia, Cambodia, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Ecuador, El Salvador, Fiji, Gambia, Georgia, Greece, Haiti, Ireland, Israel, Italy, Kyrgyzstan, Malta, Marshall Islands, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Panama, Paraguay, Portugal, San Marino, Slovenia, the former Yugoslav Republic of Macedonia, Uruguay, Uzbekistan, Venezuela.

Against: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Brunei Darussalam, Cameroon, China, Comoros, Egypt, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Nigeria, Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, United States of America, Yemen.

Abstaining: Albania, Andorra, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Ethiopia, Finland, France, Gabon, Germany, Grenada, Guatemala, Honduras, Hungary, Iceland, Kazakhstan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Niger, Norway, Papua New Guinea, Peru, Philippines, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Viet Nam, Zambia, Zimbabwe.

56. Draft resolution A/C.3/49/32/Rev.1 as amended by document A/C.3/49/L.73/Rev.1 was rejected by 44 votes to 36, with 74 abstentions.

57. Mr. Srivihok (Thailand), Vice-Chairman, took the Chair.

58. Mr. LINDGRAN (Brazil) said that his delegation had not abstained, as indicated on the voting board, but had voted in favour of the draft resolution.

59. Ms. SETH (Antigua and Barbuda) said that her country was of the view that it was for States to determine what legal measures and penalties were appropriate to deal with serious crimes and it was for that reason that her delegation had voted against the draft text.

60. Mr. DUONG CHI DUNG (Viet Nam) said that his country had abstained in the voting. Viet Nam respected the position of those States which had chosen to

abolish the death penalty, but it also considered that those which had chosen to continue to impose it in order to ensure respect for the law and to maintain order, thereby promoting respect for human dignity in society, were entitled to do so. Viet Nam continued to impose the death penalty on persons who committed the most serious crimes, but with the strictest respect for the law.

61. Mrs. CORNETTE (Guyana) said that the death penalty was still in force in Guyana, but was applied only to the perpetrators of the most heinous crimes; the draft resolution, as worded, conflicted with Guyanese legislation. Guyana believed that the choice of maintaining or abolishing the death penalty must be left to the discretion of Governments. It was for that reason that her delegation had voted against the draft resolution.

62. Mr. TÜRK (Slovenia) said that Slovenia was a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights and had abolished the death penalty. Slovenia had therefore voted in favour of the draft resolution.

63. Mr. AGGREY (Ghana) said that his delegation would have abstained if it had been present during the vote.

64. Mr. DO NASCIMENTO (Angola) said that his delegation would have voted in favour of the draft resolution if it had been present at the vote.

65. Mr. LAING (Belize) said that his delegation had voted against the draft resolution because it included a number of aspects which were incompatible with the legislation of Belize.

66. He hoped that United Nations bodies would soon take up some of the causes of violent crime, especially the influence of the media on young adults.

67. Mr. LEE (Republic of Korea) said that he understood and respected the position of those countries which wished to abolish the death penalty. It was important to note, however, that the diversity of views on that issue derived from the cultural, historical, philosophical and religious values of societies. Capital punishment existed in the Republic of Korea although it was applied only in the case of the most serious crimes. The Republic of Korea had therefore voted against the draft resolution.

68. Mr. FERNANDEZ (Cuba) said that his delegation would have preferred it if the question of capital punishment had been taken up under the item concerning crime prevention and criminal justice. His delegation had abstained in the vote because it believed that the right to life must be respected. The sovereign right of every State was also an indisputable principle which must be respected. Cuba applied the death penalty in very specific cases; pregnant women and minors were exempted from it.

69. Mr. JALLOW (Gambia) said that his delegation had voted in favour of the draft resolution because Gambia supported its goal.

70. Mr. BASNYAT (Nepal) said that Nepal had abolished the death penalty in 1990 and was a party to the International Covenant on Civil and Political Rights. His delegation had therefore voted in favour of the draft resolution.

71. Mr. KUEHL (United States of America), introducing draft resolution A/C.3/49/L.51 entitled "Strengthening the role of the United Nations in enhancing the effectiveness of periodic and genuine elections and the promotion of democratization", said that the following countries had become sponsors: Armenia, Czech Republic, Denmark, Ethiopia, Georgia, Greece, Guinea, Iceland, Ireland, Italy, Malawi, Mali, Mauritania, Netherlands, Nicaragua, Paraguay, Slovakia, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela and Yemen.

72. He wished to make three revisions to the draft resolution. The first was to insert, between the sixth and seventh preambular paragraphs, a new paragraph which would read:

> "Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of experts and electoral observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation".

Second, in the third line of paragraph 5 of the English text, the word "sustainability" should be changed to "stability and continuity"; and third, in paragraph 14, the phrase: "taking into account the coordinating role of the High Commissioner for Human Rights in this regard" should be deleted.

73. As the Secretary-General had declared in his address to the World Conference on Human Rights, democratization was essentially what was at stake at the end of the century. Only democracy, within States and within the community of States, could truly guarantee human rights. In the Declaration it had adopted, the World Conference had recognized that "democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives" (A/CONF.157/24 (Part I), chap. III, para. 8). Draft resolution A/C.3/49/L.51 would give the Secretary-General the authority to expand United Nations activity in promoting democratization. Through the Electoral Assistance Division, the Centre for Human Rights and the High Commissioner for Human Rights, the Secretary-General could assist States in post-election institution-building so as to enhance the stability and continuity of the electoral process and contribute to the strengthening of democracy. His Government encouraged the Member States who so desired to avail themselves of the assistance of the United Nations in that area. The sponsors hoped that the draft resolution would be adopted by consensus.

74. Mr. MUCH (Germany), introducing draft resolution A/C.3/49/L.52, entitled "Situation of human rights in the Islamic Republic of Iran" on behalf of the twelve member States of the European Union and of Andorra, Australia, Austria, Canada, Costa Rica, Hungary, Iceland, Israel, Japan, Liechtenstein, Norway, Sweden and the United States of America, said that the text was based on the

most recent reports of the Special Representative of the Commission on Human Rights. Paragraph 3 drew particular attention to a number of areas of concern, including the continued high number of executions, incidents of torture, violations of the right to a fair trial, discrimination against women and discriminatory treatment of minorities because of their religious beliefs, particularly the Baha'is, some of whom had been the target of intimidation or murder. It was noted in the fourth preambular paragraph that the Government of the Islamic Republic of Iran had responded to the request for information from the Special Representative of the Commission on Human Rights, but had not allowed him to pay a fourth visit to the country. The Government of the Islamic Republic of Iran had also extended an invitation to the Special Rapporteur on religious intolerance and it was to be hoped that that Government would once again cooperate fully with all competent bodies of the Commission on Human Rights.

75. Introducing draft resolution A/C.3/49/L.53 entitled "Situation of human rights in Iraq" on behalf of the twelve member States of the European Union and of Andorra, Argentina, Australia, Austria, Canada, Costa Rica, Finland, Hungary, Iceland, Israel, Japan, Kuwait, Liechtenstein, Norway, Sweden and the United States of America, he said that the text was based on the most recent reports of the Special Rapporteur of the Commission on Human Rights; he drew attention to paragraph 2 which strongly condemned the massive and grave violations of human rights in Iraq, particularly summary and arbitrary executions, the widespread practice of systematic torture in its most cruel forms, the enactment and implementation of recent decrees prescribing cruel punishment such as mutilation as a penalty for certain offences and the abuse of medical care services for the purposes of such legalized mutilation. The increasingly serious human rights violations against the civilian population in the south of Iraq, particularly in the southern marshes, where a combination of massive drainage projects and wide-ranging military operations on the part of the Iraqi Government had forced the inhabitants to flee in large numbers, were of particular concern.

76. After outlining the provisions of paragraphs 5 and 6, he said that the sponsors hoped that the draft resolution would be broadly supported.

The meeting rose at 6.05 p.m.